

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

**SPECIALLY APPEARING DEFENDANT FREIGHT BULK PTE. LTD.'S
NOTICE TO COURT CONCERNING THE RAPIDLY DETERIORATING
SITUATION IN ODESSA, UKRAINE**

COMES NOW, specially appearing Defendant FREIGHT BULK PTE. LTD. (hereinafter “FBP”), by and through undersigned counsel, subject to its restricted appearance pursuant to Supplemental Rule E(8), the pending appeal to the Fourth Circuit Court of Appeals, and its pending dispositive motions to Vacate and Dismiss the Attachment. Without conceding jurisdiction or waiving any other issue that is currently before the Court of Appeals or this Court on any other motion, FBP files this Notice to the Court concerning the rapidly deteriorating situation in Odessa, Ukraine (“Notice”).

As the Court is aware, earlier this week Magistrate Judge Leonard ordered FBP to produce documents responsive to Consolidated Plaintiff Glory Wealth Shipping Pte Ltd.’s (“Glory Wealth”) First Request for Production of Documents and Plaintiff Flame S.A.’s (“Flame”) Second and Third Requests for Production of Documents, “but only as to those

requests specifically tailored to named Defendants in this litigation.” Dkt No. 209, at 3; Dkt. No. 210, at 3. Magistrate Judge Leonard ordered FBP to complete its production no later than one week from the date of his orders, April 30, 2014. FBP is working diligently to comply with these orders in a timely fashion. Nonetheless, FBP wishes to notify the Court of the deteriorating circumstances in Odessa, Ukraine that could potentially impede its timely compliance.

Over the course of today, May 2, 2014, riots are breaking out in Odessa between competing pro- and anti-Russian factions. International news outlets are reporting that violent clashes between the rival groups have killed at least 35 people in Odessa today, including 31 people who died after a building was lit on fire in the chaos. *See Clashes in Eastern Ukraine as Moscow Issues New Warnings*, N.Y. TIMES, May 2, 2014 (attached hereto as Exhibit 1); *Chaos grips Odessa, Ukraine’s third-largest city*, WASH. POST, May 2, 2014 (Exhibit 2); *Dozens killed in Odessa clashes*, BBC NEWS, May 2, 2014 (Exhibit 3). FBP respectfully requests that the Court take judicial notice of the escalating violence in Odessa. *See* Fed. R. Evid. 201(b)(2) (permitting the court to take judicial notice of “a fact that is not subject to reasonable dispute because it . . . can be accurately and readily determined from sources whose accuracy cannot be reasonably questioned”).

FBP has been working from its corporate office in Odessa to gather documents in anticipation of complying with Magistrate Judge Leonard’s orders for production. But today—as Odessa has quickly devolved into the epicenter of the civil war in Ukraine—FBP was forced to direct most of its employees to return to their homes for their safety and remain there until the violence has subsided. At present, the few employees who have remained onsite to continue to gather documents for production in this case do so at considerable risk to their safety.

Accordingly, although FBP is attempting, in good faith, to produce responsive materials pursuant to Magistrate Judge Leonard's orders, FBP wishes to alert the Court to the precarious circumstances in Odessa which may hinder FBP's ability to timely produce responsive documents in its possession.

Dated: May 2, 2014

Respectfully submitted,

By: /s/ Patrick M. Brogan
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CERTIFICATE OF SERVICE

I hereby certify that on May 2, 2014, I caused the foregoing SPECIALLY APPEARING DEFENDANT FREIGHT BULK PTE. LTD.'s NOTICE TO COURT CONCERNING THE RAPIDLY DETERIORATING SITUATION IN ODESSA and supporting papers to be electronically filed with the Clerk of the Court using the CM/ECF system, which in turn will provide electronic notification of and access to such filing to the counsel of record in this matter who are registered on the CM/ECF system.

Dated: May 2, 2014

By:/s/ Patrick M. Brogan

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